

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

HARVEY P. SHORT,

Plaintiff,

v.

Case No. 2:10-0785

JUSTICE ROBIN JEAN DAVIS and
JUSTICE BRENT D. BENJAMIN and
JUSTICE LARRY V. STARCHER and
JUSTICE MARGARET WORKMAN and
JUSTICE KETCHUM and
BRUCE A. KAYUHA, Chief Counsel and
RORY L. PERRY, II, Clerk, and
EDYTHE NASH GAISER, Deputy Clerk, and
JUDGE ROBERT L. HOLLAND, JR.,

Defendants.

MEMORANDUM OPINION AND ORDER

This action was previously referred to Mary E. Stanley, United States Magistrate Judge, who has submitted her Proposed Findings and Recommendation ("PF&R") pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B).

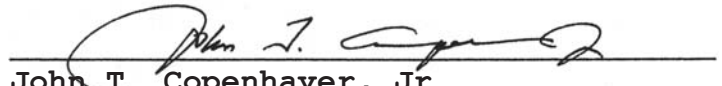
The court has reviewed the PF&R entered by the magistrate judge on January 18, 2011. The magistrate judge recommends that the complaint be dismissed inasmuch as it fails to state a claim upon which relief can be granted as to any of the defendants and is barred in further part by the absolute judicial immunity accorded to the judicial officer defendants. Plaintiff has not objected to the PF&R.

Having reviewed the matter de novo, it is, accordingly,
ORDERED as follows:

1. That the PF&R be, and it hereby is, adopted by the court and incorporated herein;
2. That plaintiff's Application to Proceed Without Prepayment of Fees be, and it hereby is, denied; and
3. That this action be, and it hereby is, dismissed and stricken from the docket.

The Clerk is directed to forward copies of this written opinion and order to the pro se plaintiff, all counsel of record, and the United States Magistrate Judge.

DATED: February 22, 2011


John T. Copenhaver, Jr.
United States District Judge